



Section 3

Human Resources

Section Contents

Policy	Title.....	Page (s)
BP3.1	Equal Employment Opportunity	2
BP3.2	Sexual Harassment and Discrimination	2
BP3.3	Non-Harassment	3
BP3.4	Disability Accommodations	3
BP3.5	Drug-Free Workplace	4-5
BP3.6	Smoke-Free Workplace	6
BP3.7	Employment of Relatives (Nepotism)	6
BP3.8	Personal Relationships in the Workplace	7
BP3.9	Sexual Assault/Battery	8
BP3.10	Notification of Arrests and Convictions	9
BP3.11	Notice of Privacy Practices	9
BP3.12	Campus and Workplace Violence	10
BP3.13	Immigration Law and Compliance	10
BP3.14	Appointment of Non-Classified Staff	11
BP3.15	Personnel Records	11
BP3.17	Payroll Deductions	11



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.1	Equal Employment Opportunity/Affirmative Action

The College is committed to providing educational and employment opportunities to persons from diverse cultural heritages and backgrounds. The College believes all persons are entitled to equal employment opportunity and does not discriminate against employees or applicants because of race, color, religion, sex, age, veteran status, disability, national origin, sexual orientation, or any other legally protected status. Equal employment opportunity will be extended in all aspects of the employer-employee relationship, including, but not limited to, recruitment, hiring, training, promotion, transfer, demotion, compensation, benefits, layoff and termination. In addition, the College will make a reasonable accommodation to known physical or mental limitations of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on College operations. All employment-related policies, procedures and actions are designed to comply with applicable laws.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Policy Number	Policy Title
BP3.2	Sexual Harassment and Discrimination

The College is committed to all provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other human rights and equal opportunity laws. These laws include prohibition of discrimination in employment and educational programs and services on the basis of sex.

Guidelines for Title VII of the Civil Rights Act focus upon sexual harassment as an unlawful practice. Interpretations of Title IX of the Education Amendments similarly delineate sexual harassment as discriminatory and unlawful.

The College prohibits harassment of any employee by any supervisor, manager, employee, student, vendor or visitor on the basis of sex or gender. The College will not allow any form of retaliation against individuals who report incidents of perceived harassment to management or who cooperate in the investigation of such reports in accordance with this policy.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.3	Harassment and Discrimination

The College prohibits discrimination against, and harassment of, an employee, student, visitor or vendor based on actual or perceived age, race, marital status, veteran/military status, sexual orientation, religion, sex, national origin, ancestry, ethnicity, alienage, citizenship status, color, creed, handicap, disability, familial status, arrest record and/or any other characteristic protected under federal, state or local law. The College will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace and educational setting. All employees and students, including but not limited to, College administration, officials and supervisory personnel, are responsible for ensuring a work and educational environment free from prohibited discrimination and harassment. All employees and students will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to the Human Resources Officer.

Officials and supervisors must take immediate and appropriate corrective action when instances of prohibited discrimination and/or harassment come to their attention to assure compliance with this policy. Each employee and student is assured that retaliation against an individual who makes a complaint or report under this policy is absolutely prohibited and constitutes, in and of itself, a violation of this policy. Any questions regarding the scope or application of this policy should be directed to the Human Resources Officer.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

Policy Number	Policy Title
BP3.4	Disability Accommodations

As part of its commitment to maintaining a highly qualified and diverse student population and work force, and in keeping with its obligations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), the College offers qualified individuals with disabilities equal opportunity, participation, and access to College programs, services, and activities. Discrimination on the basis of disability as defined in Section 504 or under the ADA will not exist in any activity, area, or operation of the College, and retaliation against an individual for asserting rights under Section 504 or the ADA will not be tolerated.

Employees, students, and visitors to the College are encouraged to bring any concerns regarding known or suspected instances of disability-based discrimination to the attention of the Vice President for Student Services, who is designated as the person responsible for coordinating the College's compliance with Section 504 and the ADA. Complaints will be handled promptly, equitably and in accordance with the College Discrimination Complaint Guidelines, copies of which are available from supervisors, the Office of Human Resources and the Office of Student Services.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.5	Drug-Free Workplace

SUNY Orange is committed to maintaining a drug free workplace. In compliance with “The Drug-Free Schools And Communities Amendments Of 1989” as mandated by Section 22 of Public Law 101-226, and the “Drug-Free Workplace Act of 1988,” the College will make the following information available to its students and employees annually.

Standards of Conduct

The College has a vital interest in ensuring safe, healthful and efficient working conditions for its employees. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, the College has established, as a condition of employment and continued employment, the following drug-free workplace policy:

- The unlawful use, possession, manufacture, dispensation or distribution of controlled substances at any College work location or premises is prohibited
- Advance written approval and authorization is required from the President of the College for the consumption of alcohol at College-sponsored functions
- Employees who unlawfully manufacture, distribute, possess or use a controlled substance will be subject to disciplinary procedures consistent with applicable and collective sanctions outlined in Section II, Disciplinary Sanctions
- Employees must notify the Human Resources Office of any criminal drug statute conviction for a violation occurring in the workplace, or at a work site, no later than five (5) days after such a conviction
- All employees are hereby advised that full compliance with the foregoing policies shall be a condition of employment at the College

The College is also committed to providing a safe, healthful and efficient educational setting for students. Students are governed by the College’s Student Code of Conduct, which states:

- The unlawful purchase, manufacture, possession, use, distribution or consumption of alcohol and other drugs on all College campus sites or College-sponsored events is prohibited
- No alcoholic beverages may be bought, manufactured, possessed, used, distributed or consumed on campus or elsewhere as part of College activities in which students are involved
- Under New York State law, no person can sell, deliver or give away any alcoholic beverage to any person under the age of 21
- Visitors at all College campus sites are expected to adhere to the standards of conduct regarding alcohol and other drugs required of College employees and students



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.5	Drug-Free Workplace (cont.)

Disciplinary Sanctions of the College

Local, state and federal laws stipulate mandatory fines and imprisonment of individuals convicted of possessing, using or distributing illicit drugs or alcohol on campus and at all College-sponsored events. The College will strictly enforce the Student Code of Conduct which specifies the disciplinary measures for students who have been found to have possessed, used or distributed drugs or alcohol on College property and at all College-sponsored events.

Please refer to the Student Code of Conduct for disciplinary procedures and possible sanctions specified for students.

The disciplinary measures specified for employees include:

- Completion of an appropriate rehabilitation program
- Disciplinary sanctions will be applied pursuant to applicable law or, where appropriate, the individual's collective bargaining agreement. These sanctions may include a reprimand, a fine, and suspension without pay, demotion and dismissal

In addition to disciplinary action or College sanctions, students and employees found possessing, using or distributing illegal drugs and alcohol on College property may be referred to local authorities for prosecution.

Drug-Free Awareness Program

In order to maintain a drug-free workplace, the College has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, its drug-free workplace policy, the availability of any drug-free counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed for violations of our drug-free workplace policy. Such education may include:

- Distribution of the College's drug-free workplace policy at the employment interview
- Discussion of the policy at the new employee orientation session
- Distribution of a list of approved drug assistance agencies, organizations and clinics
- Distribution of published educational materials regarding the dangers of drug abuse
- Re-orientation of all involved employees in cases in which a drug-related accident or incident occurs
- Inclusion of the policy in employee handbooks and any other personnel policy publications
- Lectures or training by local drug abuse assistance experts
- Discussion by the College's safety experts on the hazards associated with drug abuse
- Video presentations on the hazards of drug abuse

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.6	Smoke-free Workplace

The College prohibits smoking throughout the workplace. Smoking is prohibited in all College facilities and vehicles. Smoking is also prohibited out of doors within 20 feet of the entrance to all campus buildings.

This policy applies to all employees, students and visitors.

Policy Number	Policy Title
BP3.7	Employment of Relatives (Nepotism)

The College prohibits the employment of close relatives¹ in the same department or administrative unit (or anywhere within the College) where the relatives participate in making recommendations or decisions affecting the appointment, evaluation, retention, work assignments, promotion, demotion or salary of other relatives.

The anti-nepotism policy described herein shall not apply to close relatives who already occupied positions prior to the promulgation of this regulation, where such employment would be prohibited by this policy; but it shall apply to these positions and these persons if any reclassification, change in assignment or other significant personnel action occurs.

No person shall be employed by the College who is a close relative of a member of the Board of Trustees. Also, no employee of the College shall participate in the selection or hiring of any person who is a close relative of the employee. The College also prohibits an employee of the College to directly supervise the work of another employee who is a close relative unless that supervisory role is specifically approved by the President of the College upon recommendation of the College's Human Resources Officer.

The Board of Trustees directs the President to develop such procedures as to fairly implement this policy.

¹ "Close relatives" refers to persons related consanguineously ("blood relatives") within the third degree of relationship (e.g., second cousin) and to persons related by affinity ("relatives by marriage") within the second degree of relationship (e.g., first cousin-in-law).



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.8	Personal Relationships in the Workplace

Employees of the College, regardless of sex, gender or sexual orientation, are prohibited from developing a romantic or sexual relationship with a person over whom they are in a position of direct, indirect or implied power. Additionally, employees of the College are prohibited from being in a position of direct, indirect or implied power over someone with whom they have a current romantic or sexual relationship. This includes, but is not limited to, persons whom one teaches, advises, coaches, counsels, mentors, evaluates or supervises in any way.

Violation of this policy by an employee will result in disciplinary action consistent with applicable law and/or collective bargaining agreement. Disciplinary sanction may include reprimand, fine, suspension with or without pay, and/or termination of employment with the College.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.9	Sexual Assault/Battery

The College will enforce the Orange County Government domestic violence employee awareness and assistance policy, which puts forth the following requirements¹:

- Orange County will provide upon request information concerning referrals to any employee who is a victim of domestic violence. Such referrals may include, but are not limited to: Orange County Employees Assistance Program, Orange County Crime Victims Program, Safe Homes, Inc., New York State Office for the Prevention of Domestic Violence.
- Orange County will not tolerate domestic violence that includes harassment by any employee while in County Offices, facilities, worksites, vehicles, or while conducting County business. Any employee who is found to have threatened, harassed or abused a current or former partner at the workplace or from the workplace using any workplace resources such as work time, work vehicles, workplace phones, FAX machines, mail, e-mail, or other means, may be subject to corrective or disciplinary action in accordance with existing collective bargaining unit agreements.
- employees who are perpetrators of domestic violence are also encouraged to seek assistance and contact their supervisor, EAP office or a batterer's intervention program.
- Orange County will make available and post in locations of high visibility, such as bulletin boards, break/restrooms a list of resources for victims and perpetrators of Domestic Violence, including, but not limited to: Orange County Assistance Program (EAP), Orange County Crime Victims Program, Safe Homes, Inc., New York State Domestic Violence Hotline Numbers (Spanish and English), Orange County Batterers Intervention Course.

¹The provisions of this executive order/policy are not intended to alter collective bargaining unit agreements existing at the time of its adoption.

For the purpose of this policy, the following terms will be defined as:

- **Domestic violence:** actions or a pattern of coercive behavior, which can include stalking; harassment; physical or sexual violence or the threat of violence; psychological, economic, and emotional abuse, used against an intimate partner, with the goal of establishing and maintaining power and control over an intimate partner.
- **Abuser:** the person who directs his/her coercive and violent acts against a victim.
- **Victim:** the person against whom an abuser directs his/her coercive and violent acts.
- **Intimate Partner:** includes persons who are legally married to one another; were formerly married to one another; have a child in common regardless of whether they were ever married or lived together at any time; are unrelated but who have had intimate or continuous social contact with one another and who have access to one another's household; or who have or have had a dating or sexual relationship, including same sex couples.
- **Domestic Violence Service Provider:** agency or a staff member of an agency, that primarily or exclusively provides comprehensive services to victims of domestic violence.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.10	Notification of Arrests and Convictions

An employee of the College who has been arrested or convicted of a crime is required to notify his/her immediate supervisor AND the College's Human Resources Office, in writing, on the first College work day following such arrest or conviction.

Policy Number	Policy Title
BP3.11	Notice of Privacy Practices

The College is committed to protecting the privacy and security of the health and other personal and confidential information of employees and students. In general, the College will ensure that such personal and confidential information will not be used, disclosed or confirmed to anyone who is not specifically authorized to receive or have access to the information under applicable law or the applicable policies and procedures of the College.

This policy applies to all members of the College workforce, whether directly employed by the College or serving under an alternative arrangement. It shall include, but not be limited to: employees, volunteers, student aides, students participating in a health related program, agency and contracted staff (including temporary staff), consultants, contractors and subcontractors, and faculty and credentialed staff.

Members of the College's workforce who fail to adhere to the College's policies and procedures, or state and federal law regarding the privacy and security of personal and confidential information, will be subject to discipline under applicable law and/or collective bargaining agreement, up to and including termination of employment.

Each member of College's workforce whose job responsibilities require having access to personal and confidential information will be expected to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and with the Federal Privacy Rule 45C.F.R., Section 164.520. Such employees will also be required to sign the College's "Workforce Confidentiality Agreement." This signed statement will be maintained in the appropriate employee personnel file.

Students in the Health Professions shall sign the "Student Confidentiality Statement," which shall be maintained in the appropriate department chair's student files.

Anyone who knows of, or has reason to believe, that another person has violated this policy, or otherwise impermissibly accessed, used or disclosed personal and confidential information, should report the matter immediately to his or her department supervisor or department chair, or the College's Compliance Officer. The College's Compliance Officer shall investigate all reports received. Failure to report a breach will be considered a violation of this policy.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.12	Campus and Workplace Violence

Pursuant to the Workplace Violence Protection Act, the College is committed to creating and maintaining a working and learning environment where violence or threats directed toward any member of or visitors to the College community are not tolerated. Additionally, the College regularly evaluates risk factors for workplace violence on campus and in College buildings and facilities.

The College prohibits violent acts and threats of violence. Students, employees and visitors to the campus who commit or threaten to commit acts of violence are subject to disciplinary action and/or civil or criminal prosecution as appropriate. For purposes of this policy, violence and threats of violence include, but are not limited to: any physical assault, any physical or verbal threat, or behavior or action which is interpreted by a reasonable person to carry the potential:

- To harm or endanger the safety of others
- To result in an act of aggression
- To willfully destroy or damage property

If an individual is subject to violent acts or threats of violence, or believes that a serious violation of the College's violence prevention policy exists, a supervisor or any member of College administration should be contacted. No retaliation shall be taken against any employee who reports an alleged serious violation of the College's workplace violence policy.

This policy is applicable to all College employees, students, vendors and their employees, campus visitors, volunteers and College-affiliated individuals.

Policy Number	Policy Title
BP3.13	Immigration Law and Compliance

The College is committed to employing only persons who are legally authorized to work in the United States. The College does not unlawfully discriminate because of a person's citizenship or national origin.

The College complies with the Immigration Reform and Control Act of 1986. Every new employee at the College is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility.

If an individual leaves College employment and is rehired, the individual must complete another Form I-9 if the previous I-9 is more than three years old, if the original I-9 is not accurate anymore, or if the College no longer has the original I-9.



SUNY Orange Policy Manual

Policy Number	Policy Title
BP3.14	Appointment of Non-Classified Staff

The Board of Trustees shall approve changes in the appointment status of members of the professional staff upon recommendation of the President and in accordance with any applicable negotiated contract.

Policy Number	Policy Title
BP3.15	Personnel Records

The College shall maintain personnel records for current employees, past employees and applicants for employment in order to document employment related decisions, evaluate and assess policies and operations, and comply with government requirements for recordkeeping, reporting requirements, and employee information.

Policy Number	Policy Title
BP3.16	Payroll Deductions

Payroll deductions from the paychecks of College employees will be made only where: required by law, provided for by collective bargaining agreement or specifically authorized by the Board of Trustees; and approved by the employee.